



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

**FIVE POST OFFICE SQUARE -SUITE 100 (MAIL CODE OES05-1)
BOSTON, MASSACHUSETTS 02109-3912**

URGENT MATTER — PROMPT REPLY NECESSARY

Captain Timothy Heitsch, Commanding Officer
United States Coast Guard
427 Commercial Street
Boston, MA 02109

Re: **NOTICE OF VIOLATION** of the applicable Generators Standards of Hazardous Waste, Section 3002 and the Land Disposal Restrictions Rule, Sections 3004(d) through (m) of the Resource Conservation and Recovery Act of 1976 (RCRA) and the Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6622(a) and 6924(d) through (m) and Massachusetts General Law Chapters 21C, Sections 4 and 6.

Dear Captain Heitsch:

On November 4-6, 2013, a United States Environmental Protection Agency (EPA) contractor and representatives of the EPA conducted a compliance evaluation inspection (CEI) at the United States Coast Guard Base in Boston, Massachusetts (USCG). This facility is identified by EPA ID # MA26903078791. The purpose of this inspection was to determine the USCG's compliance with the federal hazardous waste regulations, specifically, regulations promulgated under the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6901-6987 ("RCRA"), at 40 C.F.R. Parts 260-272, and the Commonwealth of Massachusetts' hazardous waste management regulations included in 310 CMR 30.00.

As a result of this inspection, EPA has determined that the USCG violated certain provisions of the RCRA regulations, promulgated at 40 C.F.R. Parts 260 through 273 and Part 279, and the Commonwealth of Massachusetts's hazardous waste management regulations. The specific violations are set forth below:

1. Failure to adequately determine if a waste is a hazardous waste as required by Massachusetts hazardous waste regulation 310 CMR 30.302. Specifically, at the time of the inspection, the following issues were observed:
 - a. One aerosol spray paint with contents located at SAA#1 in Building #8. This aerosol

can felt to be approximately 1/2-full and contained sufficient pressure that when tested, released a small portion of the contents. This can was accumulated among two milk crates that were full of aerosol cans, all identified by Mr. Steve Connolly as empty, and therefore managed as non-hazardous waste.

- b. Three pallets identified by Mr. Connolly as hazardous materials that had been accumulated at locations around the base, and which were waiting to have waste determinations completed. Mr. Connolly stated that this material had been accumulated for as long as two to three months.
 - c. The facility's waste profile documentation was deficient in the following areas:
 - i. The profiles were not updated with sufficient regularity to ensure that current determination were accurate. For example, the waste profile for the paint booth waste filters had not been updated since July 15, 2008 when the last waste analysis was conducted. The waste profile for the blast wastes had not been updated since November 15, 2010.
 - ii. The profiles for some wastes were included with similar wastes, but specific waste determinations and analyses had not been conducted for these wastes. Three examples included the following:
 - a. The large blast booth wastes had a waste profile , but when the inspectors asked for the profiles for the smaller blasting units, they were given the blast booth profile for the waste generated in the large blast booth and not a profile for the waste generated in the small booth;
 - b. There was only one profile available for the different parts washers and the analysis that was conducted was only for oil and grease back on November 4, 2008; and
 - c. The wastewater that was collected from pressure washing boats outside of Bldg. 14 had the same profile as bilge water, and was last sampled in February 2001.
2. Failure to maintain satellite accumulation areas at or near the point of generation, in violation of Massachusetts hazardous waste regulations at 310 CMR 340(4). Specifically, at the time of the inspection, the inspection team learned that hazardous waste was brought from the docked ships to Satellite Accumulation Area (SAA) #1 in Bldg. 8. The inspection team observed that Bldg. 8 was not at or near the points of generation of these waste streams. At the time of the inspection, the inspection team observed the following containers located at SAA#1, that according to Mr. Girouard, had been brought to the area from docked USCG ships:

- a. one 55-gallon container, marked as hazardous waste, waste diesel, toxic;
 - b. one 55-gallon container, marked as hazardous waste, paint/thinner, ignitable;
 - c. one 55-gallon container, marked as hazardous waste, bilge water, toxic;
 - d. one 55-gallon container, marked as hazardous waste, oily rags, toxic; and
 - e. one 55-gallon container, marked as hazardous waste, oil filters, toxic.
3. Failure to mark each container of hazardous waste with the accumulation date, as required by Massachusetts hazardous waste regulations at 310 CMR 30.441(2)(d). Specifically, as described above in Count#2, the containers of hazardous waste at SAA#1, located in Bldg. 8, were not at or near the point of generation, and therefore were required to be marked with the accumulation date.
4. Failure to adequately train employees with hazardous waste management responsibilities, as required by Massachusetts hazardous waste regulations at 310 CMR 30.516(1)(d). Specifically, annual hazardous waste training had not been provided to the following employees with hazardous waste management duties:
- a. Mr. Girouard, Environmental Protection Specialist's most recent hazardous waste training occurred on 9/10/12. Adequate hazardous waste training was not completed in 2011 or for 2013.
 - b. Mr. Connolly, Hazardous Waste Handler's most recent hazardous waste training occurred on 9/10/12 and he did not receive annual training in 2011 or during 2013.
 - c. MST2. Auzenne who was identified by Mr. Girouard as having hazardous waste management responsibilities, did not receive refresher training in 2012 or 2013.
 - d. CVO Russell, who was the Alternate Emergency Coordinator, had not had initial hazardous waste training.

USCG IS HEREBY REQUIRED TO:

A. Immediately upon receipt of this NOTICE:

1. Pursuant to 310 CMR 340(4), ensure that satellite accumulation areas are located at or near the point of generation.
2. Pursuant to 310 CMR 30.441(2)(d), mark each container of hazardous waste with the accumulation date, unless the container is considered and managed properly as a satellite accumulation container.

B. Within thirty (30) calendar days of receipt of this NOTICE:

1. Pursuant to 310 CMR 30.302, conduct hazardous waste determinations on unknown hazardous wastes at the time that they are generated and determined to no longer be useful to the USCG's activities and ensure that discarded aerosol cans with contents are properly evaluated to determine the regulatory status of the container's contents. Additionally, develop a comprehensive program that ensures that hazardous waste profiles are updated with sufficiently regularity to ensure that the profiles accurately reflect the components in the wastes being generated by USCG's activities.
2. Pursuant to 310 CMR 30.516(1)(d), ensure that each employee with hazardous waste management duties received annual hazardous waste training.

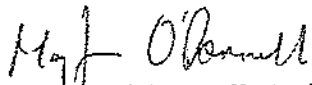
C. Within thirty-five (35) calendar days of receipt of this NOTICE:

1. Submit a written description, with supporting documentation, including any newly implemented waste determination/profiling procedures to:

Andrew Meyer, Environmental Scientist
U.S. Environmental Protection Agency
5 Post Office Square, Boston, MA 02109-3912

Failure to correct the violations as required by this NOTICE may subject the facility to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. If you have any questions regarding this NOTICE, please contact Andrew Meyer of the RCRA Compliance Unit, at (617) 918-1755.

Sincerely,


MaryJane O'Donnell, Acting Chief
RCRA, EPCRA and Federal Programs Unit

cc: Ed Pawlowski, NERO, MassDEP
RCRA File